

POSTING AN APPEARANCE BOND:

INFORMATION ABOUT YOUR RIGHTS AND RESPONSIBILITIES



What is an Appearance Bond?

An appearance bond, also known as a bail bond (bond) allows a person (the defendant) who is in custody (jail) to be released pending further court appearances. The purpose of the appearance bond is to guarantee the arrested person's appearance at a time and place specified by the court. The amount of the bail bond varies with the seriousness of the charge and is set by the court.

Is it always necessary to post a bond?

No. Under certain conditions, the court will release a defendant without bond. The court may accept the defendant's promise to appear at a time and place specified by the court. This is known as being released "Own Recognizance." A defendant may also be released upon another person's (designated by the court) promise to ensure the defendant's appearance as required by the court. This is called a "Third Party Release."

What will the court accept as bond?

The court will accept cash for the full dollar amount of the bond. Most courts will accept cash, certified money orders, or cashier checks; however, not all courts accept personal checks, business checks, or credit cards. Contact the court or jail for detailed information. Courts also accept paper bonds posted by bail bond agencies.

Who can post bond?

Anyone can post a cash bond on behalf of the defendant. Bail bond companies post paper bonds. Posting a bond makes the bond poster responsible for the full amount of the bond should the defendant fail to appear or violate any other condition of release ordered by the court.

What happens if the defendant fails to appear as ordered?

The court will schedule a bond forfeiture hearing and all parties involved will be notified of the date and time. Depending on the outcome of the hearing, the court:

- A. May order the bond forfeited;
- B. May also order a warrant for the defendant's arrest;
- C. May allow the defendant another chance to appear.

If a bond is forfeited, can the person who posted the bond get their money back?

No. Once the judge orders the bond forfeited, it becomes the property of the city, town, county, or state and will not be refunded.

What happens to collateral given to a bail bond agent should a defendant fail to appear and the court orders the bond forfeited?

The court will order the cash value of the bond paid by the bail bond company. Property given as collateral can be sold by bonding companies to provide cash for the bond, if necessary. Any contract regarding the collateral and/or cash deposits is between the bail bond company and the person obtaining the bond. The court cannot and will not intervene.

What happens if a defendant appears as ordered?

A. The court may order the bond be returned (exonerated) to the bond poster. Once the judge orders exoneration, the court prepares to refund a cash bond to the bond poster or provides written clearance to be given to a bail bond company. Once clearance is provided, the bail bond company initiates the release of collateral; or,

B. If the defendant posted the bond, the court may order that the bond be converted to pay fines, fees, surcharges, or restitution on the case at hand and/or other cases involving the defendant. The court does not need the defendant's consent to order the conversion; or,

C. The court may order the bond be converted to fines, fees, surcharges, or restitution on the case at hand and/or other cases the defendant may have IF the person

who posted the bond, not the defendant, agrees to the bond conversion; or,

D. The court may order the bond remain in effect until the defendant's next appearance.

After the bond has been released, the bonding company should return title to the collateral used to secure the bond. You may need to supply the bonding company with a copy of the court order releasing the bond.

Definitions:

Bond Poster - Person who posts an appearance bond

Collateral - Property or titles given by a person to a bail bond agent who then posts the bond.

Convert - Use of the bond money to pay what the defendant was ordered by the court to pay. The order could include victim restitution, fines and surcharges, attorney fees, or jail fees

Defendant - Person charged with a criminal act.

Exonerate - Return of bond money to the bond poster.

Forfeit - Bond money is turned over to the city, county or state by the judge's order.

Paper bond - The paper given to the court by the bail bond agent showing that collateral was given.

Warning....Be careful!!!

The form used when bond is posted may have several options that allow the court to use the money to "Pay for the monetary obligations owed on this case and other cases this defendant may have in this court." Please read the form carefully and only mark those statements that you agree with; you cannot change your mind later.

